

REMARKS

This application has been reviewed in light of the Office Action dated October 20, 2009.

Claims 1-17 are presented for examination, of which Claim 1, 7 and 13 are in independent form.

Claims 1, 6, and 12-17 have been amended to improve their form. Favorable reconsideration is requested. Support for the claim amendments is found in the original disclosure, for example, in Figs. 2-5 and the accompanying description, and therefore, no new matter has been added.

The drawings are objected to because Fig. 1 is not labeled as prior art. In response, while not conceding the propriety of the objection, this figure has been amended to add the legend prior art thereto and a formal replacement drawing is being submitted herewith. Therefore, Applicants respectfully request that the objection be withdrawn.

The Abstract is objected to for minor informalities therein. In response, while not conceding the propriety of the objection, the Abstract has been amended to address the points raised in the Office Action. Therefore, Applicants respectfully request that the objection be withdrawn.

The specification is objected to for minor informalities at pages 9 and 13. In response, while not conceding the propriety of the objection, pages 9 and 13 have been amended to address the points raised in the Office Action. Therefore, Applicants respectfully request that the objection be withdrawn.

Claim 15 is objected to because of its dependency. In response, while not conceding the propriety of the objection, Claim 15 has been amended to change its dependency in accordance

with the Examiner's suggestion. Therefore, Applicants respectfully request that the objection be withdrawn.

Claims 6 and 12 are rejected under 35 U.S.C. § 112, second paragraph. In response, while not conceding the propriety of the rejection, these claims have been amended to address the points raised in the Office Action. Applicants submit that as amended, these claims now even more clearly satisfy 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 1-3 and 13-17 are rejected under 35 U.S.C. § 101. In response, while not conceding the propriety of the rejection, these claims have been amended to address the points raised in the Office Action. Applicants submit that as amended, these claims now even more clearly satisfy 35 U.S.C. § 101. Therefore, Applicants respectfully request that the objection be withdrawn.

Claims 1-3, 7-9, and 13-15 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,943,508 (Penney et al.). Claims 4, 10, and 16 are rejected under 35 U.S.C. § 103(a) over Penney et al. in view of U.S. Patent No. 6,587,735 (Yaguchi). Claims 5, 6, 11, 12, and 17 are rejected under 35 U.S.C. § 103(a) over Penney et al. in view of Yaguchi and U.S. Patent Publication No. 2005/0047666 (Mitchell, et al.).

These rejections are respectfully traversed for the following reasons.

Amended Claim 1 relates to an image processing apparatus comprising a plurality of code converting units, a plurality of request-source task units, and an assigning unit. The plurality of code converting units is configured to execute coding and decoding of image data and comprises at least one of a hardware-implemented code converting unit and a non-transitory computer-

readable medium. The plurality of request-source task units is configured to request any of the plurality of code converting units to perform a code conversion of image data, the number of task units being greater than the number of code converting units and having priorities that depend on their respective tasks. The assigning unit is configured to assign one of the plurality of code converting units to a processing request from one of the plurality of request-source task units having a high priority and, if there is an idle code converting unit among the plurality of code converting units, assigning the idle code converting unit to a processing request from one of the plurality of request-source task units having a low priority.

By this arrangement, an apparatus for processing tasks having different wait times can guarantee a normal operation if the number of code converting units is reduced, by assigning the code converting units to a processing request having a high priority, thereby performing normal processing of a task in which a long wait time cannot be tolerated.

In contrast, the citation to Penney et al. is not understood to disclose or suggest an assigning unit configured to assign one of the plurality of code converting units to a processing request from one of the plurality of request-source task units having a high priority and, if there is an idle code converting unit among the plurality of code converting units, assigning the idle code converting unit to a processing request from one of the plurality of request-source task units having a low priority, as recited by amended Claim 1. Rather, the citation to Penney et al. is understood to merely relate to an apparatus that selects one of a plurality of video input channels for output where the number of output terminals is less than the number of input terminals, and that provides a decoder to each of the output terminals. This patent is not understood to disclose or suggest the priority assignment of code converting units to a processing request, or the specific type of priority assignment performed by the invention of amended Claim 1.

The Office Action cites item 18 in Figure 1, column 2, lines 47-53, and column 3, lines 13-16 and 46-52 of the Penney et al. as showing the claimed assigning unit. However, Applicants do not understand these portions of the Penney et al. patent to discuss the concept of an idle code converting unit, or the assigning of this idle code converting unit to a processing request from a request-source task unit having a low priority, as recited by amended Claim 1. Moreover, a word search of the entire Penney et al. patent failed to reveal the use of the words “idle” or “priority”. And the Office Action fails to specify precisely how these portions of the Penney et al. patent disclose or suggest such concepts.

Since the Office is not understood to have satisfied its burden of proof to establish the disclosure or suggestion of the assigning unit recited by amended Claim 1 in the Penney et al. patent, Applicants submit that the Office has not yet established a *prima facie* case of obviousness against amended Claim 1 over this citation. Therefore, Applicants respectfully request that the rejection of amended Claim 1 be withdrawn. And since corresponding method and medium Claims 7 and 13 have been amended in a corresponding manner, they are submitted to be allowable over these citations for corresponding reasons. Therefore, Applicants respectfully request that the rejection of amended Claims 7 and 13 be withdrawn.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicant
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3801
Facsimile: (212) 218-2200

FCHS_WS 4620473v1